

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

MAGED HANNA, ) 2004 JAN 26 P 4:09  
Petitioner )  
v. ) Civil Action No.  
JOHN ASHCROFT, U.S. ATTORNEY ) 04cv10121-GAO  
GENERAL, ET AL. ) OFFICE  
Respondent )  
 )

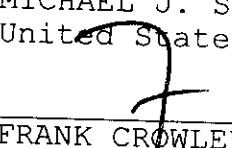
MOTION TO DISMISS

Respondent<sup>1</sup> moves to dismiss this action pursuant to Fed. R. Civ. P. rules 12(b)(1 and (6) for lack of subject matter jurisdiction and for failure to state a claim upon which relief may be granted.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

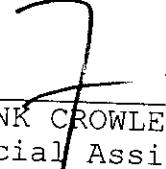
By:

  
FRANK CROWLEY  
Special Assistant U.S. Attorney  
Department of Homeland Security  
P.O. Box 8728  
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Boston, MA 02114  
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<sup>1</sup> As of a DHS restructuring effective June 9, 2003, the responsive successor official of the Department of Homeland Security having control of petitioner's custody in the instant action is Bruce Chadbourne, Interim Field Director for Detention and Removal, Bureau of Immigration and Customs Enforcement ("ICE") in Boston, Massachusetts.

CERTIFICATE OF SERVICE

I hereby certify that I caused true copy of the above document to be served upon counsel for petitioner by mail on January 26, 2004.

  
FRANK CROWLEY  
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